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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,250	02/02/2004	Brian W. Moroney	BLD920030008US1	9447
50441 7590 06/30/2008 DUFT BORNSSEN & FISHMAN, LLP 1526 SPRUCE STREET SUITE 302 BOULDER, CO 80302				
EXAMINER				
MILLA, MARK R				
ART UNIT		PAPER NUMBER		
2625				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/770,250

**Applicant(s)**

MORONEY ET AL.

**Examiner**

Mark R. Milia

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's amendment was received on 2/28/08 and has been entered and made of record. Currently, claims 1-14 are pending.

***Specification***

2. Applicant's amendment to the specification has overcome the objection set forth in the previous Office Action. Therefore the objection has been withdrawn.

***Response to Arguments***

3. Applicant's arguments filed 2/28/08 have been fully considered but they are not persuasive.

Applicant asserts that Gorp (US 2004/0252319) fails to teach querying the user regarding a portion of a document and merging a newly reprinted portion with a remaining portion of a previously printed document. The examiner respectfully disagrees as Gorp does disclose such features. Particularly, Gorp states that errors that occur during collation can be reconciled in two ways, by a user or by the system automatically. Gorp states that when an error is detected the system may divert the

document for inspection or may be automatically reconciled. Thus, if the document is diverted for inspection, it will be inspected by a user and will reconcile the error in a similar manner as to that described by Gorp in the automatic process (see paragraphs 59-60). Gorp states that the processor determines if the document portions need to be re-printed and if so the document portion is re-printed and collated with the remaining portion of the document at the point where the error occurred (see paragraph 60). Gorp further states that it may be necessary to manually transfer printed document portions from the printer outputs to the input of the print merge device (see paragraph 34). Thus, taking the teachings of Gorp as a whole, it follows that if an error is detected and diverted to an operator/user for reconciliation that the user will determine whether re-printing is necessary and inform the processor of such a determination, at which point a re-printing will be take place and the user will then be informed of where to place (in the print merge device) the re-printed document so that the system can collate the re-printed portion of the document with the remaining portion at the point that the error occurred. Therefore, Gorp discloses querying the user regarding a portion of a document and merging a newly reprinted portion with a remaining portion of a previously printed document.

Therefore, the rejection of claims 1-14 are maintained.

***Claim Rejections - 35 USC § 102***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-5, 7-11, and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0252319 to Gorp et al.

Regarding claim 1, Gorp discloses a method for reprinting a portion of a previously printed document, the document including a plurality of pages, the method comprising: (a) querying a user regarding the portion, the portion including an erroneous page (see paragraphs 44 and 58-60, Gorp states that at any time during processing that an error is detected, the system may divert the document for inspection, even further Gorp states that a signal may be sent to the user when an error has occurred), (b) instructing the user on loading a remaining portion of the document into an inserter tray associated with a printer (see paragraphs 33-36), (c) automatically reprinting the portion on the printer to provide a reprinted page for replacing the erroneous page (see paragraphs 36 and 60), and (d) automatically merging the reprinted page with the remaining portion by inserting the reprinted page from the inserter tray into the remaining portion (see paragraphs 29-30,33-36, and 60).

Regarding claim 7, Gorp discloses a method for reprinting a portion of a previously printed document, the document including a plurality of pages comprising: (a) querying a user regarding the portion, the portion including an erroneous page (see paragraphs 44 and 58-60), (b) allowing the user to specify how a remaining portion of

the document is loaded into an inserter tray associated with a printer (see paragraphs 33-36, Gorp states that it may be necessary to manually load the input bins of the print merge device), (c) automatically reprinting the portion on the printer to provide a reprinted page for replacing the erroneous page (see paragraphs 36 and 60), and (d) automatically merging the reprinted page with the remaining portion by inserting the reprinted page from the inserter tray into the remaining portion (see paragraphs 29-30, 33-36, and 60).

Regarding claim 8, Gorp discloses a system for printing a portion of a previously printed document, the document including a plurality of pages, the system comprising: software for querying a user regarding the portion, the portion including an erroneous page (see paragraphs 44 and 58-60, Gorp states that at any time during processing that an error is detected, the system may divert the document for inspection, even further Gorp states that a signal may be sent to the user when an error has occurred), instructing the user on loading a remaining portion of the document (see paragraphs 33-36), and for controlling the automatic reprinting of the portion to provide a reprinted page for replacing the erroneous page (see paragraphs 36 and 60), and a printer for automatically reprinting the erroneous page (see Fig. 2 and paragraphs 36 and 60), and a tray in which the remaining portion is loaded the tray being associated with the printer and controlled by the software for automatically merging the reprinted page with the remaining portion (see paragraphs 29-30, 33-36, and 60).

Regarding claim 14, Gorp discloses a system for printing a portion of a previously printed document, the document including a plurality of pages, the system comprising:

software for querying a user regarding the portion, the portion including an erroneous page (see paragraphs 44 and 58-60, Gorp states that at any time during processing that an error is detected, the system may divert the document for inspection, even further Gorp states that a signal may be sent to the user when an error has occurred), for receiving an indication from the user as to how a remaining portion of the document is loaded (see paragraphs 33-36, Gorp states that it may be necessary to manually load the input bins of the print merge device), and for controlling the automatic reprinting of the portion to provide a reprinted page for replacing the erroneous page (see paragraphs 36 and 60), and a printer for automatically reprinting the erroneous page (see Fig. 2 and paragraphs 36 and 60), and a tray in which the remaining portion is loaded the tray being associated with the printer and controlled by the software for automatically merging the reprinted page with the remaining portion of the document (see paragraphs 29-30,33-36, and 60).

Regarding claims 2 and 9, Gorp further discloses (a) querying the user as to whether an updated copy of the document is available (see paragraphs 29, 35-36, and 58-60).

Regarding claims 3 and 10, Gorp further discloses (e) if the updated copy of the document is available, automatically identifying the erroneous page (see paragraphs 29, 35-36, and 58-60), (f) if the updated copy of the document is not available, allowing the user to identify the erroneous page (see paragraph 59).

Regarding claims 4 and 11, Gorp further discloses (g) determining whether an error exists (see paragraphs 35-36 and 58-60) and (h) notifying the user of the error (see paragraphs 44 and 57).

Regarding claim 5, Gorp further discloses ejecting a portion of the remaining portion (see paragraphs 29-30, 33-36, and 60).

Regarding claim 13, Gorp further discloses a post fuser inserter for retaining the remaining portion loaded by the user (see Fig. 5 and paragraphs 33-36).

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorp as applied to claims 4 and 11 above, and further in view of U.S. Patent No. 5,625,757 to Kageyama et al.

Gorp does not disclose expressly wherein the error includes a printer jam.

Kageyama discloses wherein the error includes a printer jam (see column 17 lines 14-17 and column 27 lines 3-5).

Gorp & Kageyama are combinable because they are from the same field of endeavor, reprinting after detection of a printer error.



At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the printer jam error, as described by Kageyama, with the system of Gorp.

The suggestion/motivation for doing so would have been ensure proper reprinting even when the detected error is a mechanical printer error, such as a printer jam or paper jam.

Therefore, it would have been obvious to combine Kageyama with Gorp to obtain the invention as specified in claims 6 and 12.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571)272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached at (571) 272-7437. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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